

Release
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SUMMARY OF CASES ACCEPTED DURING THE WEEK OF NOVEMBER 2, 1998

[This news release is issued to inform the public and the press of cases that the Supreme Court has accepted and of their general subject matter. The description or descriptions set out below do not necessarily reflect the view of the court, or define the specific issues that will be addressed by the court.]

#98-151 Los Angeles Alliance for Survival v. City of Los Angeles S073451. (9th Cir. No. 97-56742; 157 F.3d 1162.) Request by the United States Court of Appeals for the Ninth Circuit for the answer to a certified question of state law pursuant to rule 29.5 of the California Rules of Court. The court restated the certified question as: "What is the proper standard under article I, section 2 of the California Constitution for analyzing the constitutionality of ordinances governing solicitations, such as Los Angeles Ordinance No. 171664?"

#98-152 Carrisales v. Department of Corrections S073601. (E020163; 65 Cal.App.4th 1492.) Petition for review after the Court of Appeal affirmed in part and reversed in part a summary judgment in a civil action. This case concerns whether a nonsupervisory employee may be held personally liable under the Fair Employment and Housing Act (Gov. Code, §12940) for sexual harassment of a coworker.

#98-153 In re Marriage of Jacob and Arrieta S073512. (A078696.) Unpublished opinion. Petition for review after the Court of Appeal reversed an order in a marital dissolution action. This case presents an issue, concerning

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whether premarital agreements waiving spousal support are contrary to public policy and per se unenforceable, which is related to an issue before the court in In re Marriage of Pendleton and Fireman, S070018. (See #98-77.)

#98-154 Galanty v. Paul Revere Life Ins. Co., S073678. (B113007; 66 Cal.App.4th 15.) Petition for review after the Court of Appeal affirmed a summary judgment in a civil action. This case concerns whether the incontestability clause of a disability policy precluded an insurer from denying a claim based on AIDS where the insured had tested positive for HIV before applying for the policy but did not suffer disabling symptoms until several years after the policy was issued.

DISPOSITIONS

#97-22 People v. Santibanez, S057248, was dismissed and remanded to the Court of Appeal.

#98-72 People v. Armigo, S069539, was transferred to the Court of Appeal for reconsideration in light of People v. Cortez, 18 Cal.4th 1223.

STATUS

#98-95 Bonds v. Roy, S070590. The court ordered the issues to be briefed and argued limited to whether the trial court may prevent a disclosed expert witness from testifying on a subject not described in the witness disclosure list.